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FILED
DISTRICT COURT OF GUAM

SEP 22 2008 ^{JK}

JEANNE G. QUINATA
Clerk of Court

Attorney for Plaintiffs

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

RICHARD A. SHARROCK and
CHRISTINA M. SHARROCK,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

) CIV. CASE NO. **08-00013**
)
) (Federal Tort Claims Act)
)
) COMPLAINT
)
)
)
)
)
)

COMPLAINT

Plaintiffs Richard A. Sharrock ("Mr. Sharrock") and Christina M. Sharrock ("Mrs. Sharrock") (collectively, the "Sharrocks"), by and through their attorney, Wayson W. S. Wong, Esq., of the Law Offices of Wayson Wong, A Professional Corporation, as claims for relief against defendant United States of America ("Government"), allege as follows.

A. INTRODUCTION

1. This Complaint is filed pursuant to the provisions of the Federal Tort Claims Act against the Government for injuries and damages sustained by

ORIGINAL

the Sharrocks as a result of the negligence of a member of the U.S. Navy, Petty Officer Quinten M. McCoy ("Mr. McCoy").

B. JURISDICTION AND VENUE

2. More specifically, this action arises under the Federal Tort Claims Act, 28 U.S.C. §§ 2671 *et seq.* and 28 U.S.C. § 1346(b).

3. At all times relevant, the Sharrocks have been citizens of Guam, U.S.A.

4. The injuries suffered by Mr. Sharrock occurred in Guam.

C. PARTIES

5. At all times relevant, Mr. Sharrock has been an adult resident of Guam.

6. At all times relevant, Mrs. Sharrock has been an adult resident of Guam.

7. At all times relevant, Mr. Sharrock and Mrs. Sharrock have been legally married.

8. The Government is and should be a named defendant pursuant to and under the provisions of the Federal Tort Claims Act, 28 U.S.C. §§ 2671 *et seq.* and 28 U.S.C. § 1346(b).

D. EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. On or about October 4, 2007, pursuant to the provisions of the Federal Tort Claims Act, 28 U.S.C. §§ 2671 *et seq.*, the Sharrocks filed administrative claims in writing for personal injuries and damages against the

Government, more particularly, the U. S. Navy, within the statutory period as required by law.

10. On or about March 27, 2008, the Government denied in writing sent by certified mail to the Sharrocks' counsel, the administrative claims submitted by the Sharrocks.

11. All administrative procedures have been properly and fully exhausted.

12. Pursuant to the provisions of the Federal Tort Claims Act, 28 U.S.C. §§ 2671 *et seq.* and 28 U.S.C. § 2401(b), this suit has been timely filed.

E. FIRST CLAIM FOR RELIEF

13. The plaintiffs reallege paragraphs 1 – 12 of this Complaint.

14. On October 5, 2005, Mr. Sharrock was driving an assigned Government vehicle, that certain 1992 Mitsubishi Galant, U.S. Navy license plate no. 92-26604, in the U.S. Naval Station Guam, on Route 1, Marine Corps Drive, near Haputo Road.

15. On that same date, Mr. McCoy, then member of the U.S. Navy, was driving on that same road but in the opposite direction.

16. Mr. McCoy negligently crossed over from his lane of travel into Mr. Sharrock's lane of travel and caused essentially a head on collision between the two vehicles.

17. That collision was caused by the negligence of Mr. McCoy.

18. As a legal cause of the collision and the negligence of Mr. McCoy, Mr. Sharrock has suffered injuries to his body, for which he has incurred medical

and other health care expenses and probably will continue to incur such expenses.

19. As a legal cause of the collision and the negligence of Mr. McCoy, Mr. Sharrock has lost income and may continue to lose income.

20. As a legal cause of the collision and the negligence of Mr. McCoy, Mr. Sharrock has had pain and suffering, the loss of enjoyment of life, and mental and emotional distress and probably will continue to incur the same.

21. At all times relevant, including at the time of the collision, Mr. McCoy was acting in line of duty with the U.S. Navy.

22. Pursuant to 28 U.S.C. § 2671, “[a]cting within the scope of his office or employment,’ in the case of a member of the military or naval forces of the United States ... means acting in line of duty.”

23. At all times relevant, including at the time of the collision, Mr. McCoy is deemed to have been acting within the scope of his office or employment with the U.S. Navy.

24. Pursuant to the provisions of the Federal Tort Claims Act, 28 U.S.C. §§ 2671 *et seq.*, the Government has been liable to Mr. Sharrock for the injuries and damages legally caused by the collision and the negligence of Mr. McCoy.

F. SECOND CLAIM FOR RELIEF

25. The plaintiffs reallege paragraphs 1 – 12 and 14 – 24 of this Complaint.

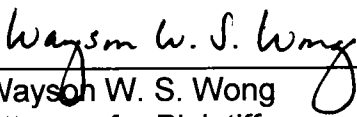
26. As a legal cause of the collision and the negligence of Mr. McCoy, Mrs. Sharrock has lost the services, society and intimacy of her husband and probably will continue to lose those things for the rest of the Sharrocks' married life.

27. Pursuant to the provisions of the Federal Tort Claims Act, 28 U.S.C. §§ 2671 *et seq.*, the Government has been liable to Mrs. Sharrock for her damages legally caused by the collision and the negligence of Mr. McCoy.

G. PRAYER

Accordingly, the Sharrocks respectfully ask this Court for judgment in favor of them or one or more of them and against the Government for their special and general damages in the amount they ask leave to show at the time of trial but not more than the amounts they filed for under their administrative claims, together with their reasonable attorney's fees and costs and such other and further relief that this Court deems appropriate.

Dated: Hagåtña, Guam, September 22, 2008.


Wayson W. S. Wong
Attorney for Plaintiffs